IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA.

Regular First Appeal No. 85 of 2007.

Date of Decision: 14th November, 2007.

Collector, Land Acquisition, NHPC ***…Appellant.***

Versus

Sangat Ram and others ***…Respondents.***

Coram

The Hon'ble Mr. Justice Dev Darshan Sud,Judge.

Whether approved for reporting?[1]

For the Petitioner: Mr. R. Maniktala, Advocate.

For the Respondents: Mr. Ramesh Thakur, Advocate, for respondent Nos. 1&2.

Mr. M.S. Chandel, Advocate General, with Mr. Rajan Dewan, Addl. AG, for respondent Nos. 3 and 4.

Dev Darshan Sud, Judge.

This appeal has been preferred by the Land Acquisition Collector, National Hydroelectric Power Corporation against the Reference decided by the learned District Judge, Kullu, H.P. The matter has not been considered on merits as one of the grievances made by the appellant is that the sole claimant-respondent Sangat Ram who was the reference petitioner in Reference petition No.74/2004 had died on 25.3.2004 i.e. during the

[1] Whether Reporters of Local Papers may be allowed to see the judgment?

pendency of the Reference petition before the learned District Judge. It was urged that the petition in so far as the deceased Sangat Ram is concerned should be declared to have abated and the judgment declared as a nullity.

This court in **CMP(M) No. 587 of 2005** titled **Collector Land Acquisition, NHPC** *vs*. **Khewa Ram and others** has held that where there are more than one claimant, the award cannot be declared to be a nullity. In the present case, there is only one claimant. In the facts and circumstances of the case, the matter is remanded to the learned District Judge who will consider as to whether the petition in so far as Sangat Ram is concerned had abated or not. For this purpose, he will follow the decision of this court in **Khewa Ram's** case. Parties are directed to appear before the learned District Judge on 30.11.2007. Copy of the judgment of **CMP(M) No. 587 of 2005** be sent along with the records of this case. The District Judge is directed to deal with the matter expeditiously and dispose it of, in any event not later than six months from the date when the record is received by him. Record of the case be sent immediately to the leaned District Judge. This petition is accordingly disposed of. There shall be no order as to costs.

14th November, 2007. **(Dev Darshan Sud),**
(cm) **Judge.**